8634238/2024/VIG-II-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Departmental Proceedings against Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur under Rule 172 of A.P.(AP&LS) Market Rules, 1969 read with Rule 20 of A.P.Civil Services(CC&A) Rules, 1991 – Article of Charge framed – Orders - Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No.213 **Dated:06.03.2024**

Read the following:-

1. Letter C.No.115/RCA-VGT/2017.S.17, dated:20.04.2023 of the Director General, ACB, AP, Vijayawada.
2. G.O.Ms.No.63, Agri. & Coop.(Vig.II) Dept., dated:06.11.2023.
3. Letter C.No.115/RCA-VGT/2017.S.17, dated:27.02.2024 of the Director General, ACB, AP, Vijayawada.

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O R D E R:

It is proposed to hold an inquiry against Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur in accordance with the procedure laid down in Rule 172 of A.P.(AP&LS) Market Rules, 1969 read with Rule 20 of A.P.Civil Services(CC&A)Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Article of Charge (Annexure – I & II). A list of documents by which and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed (Annexure –III & IV).

3. Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur is directed to submit his written statement of defence within 10 days on the receipt of this order.

4. Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur is further informed that an inquiry will be held only in respect of those articles of charge that are not admitted. He should, therefore, specifically admit or deny the article of charge.

5. Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur is further informed that if he does not submit his written statement of defence on or before the date specified in Para 3 above, further action will be proceeded based on the material available.

6. The attention of Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee, Guntur is invited to Rule 24 of the A.P.C.S (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to hear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri Mandapati Bala Kutumba Rao, Assistant Secretary(Retired), Agricultural Market Committee,

(P.T.O.)

Guntur is aware of such representation and that it has been made at this instance and action will be taken against him for violation of Rule 24 of the A.P.C.S (Conduct) Rules, 1964.

7. The receipt of this orders shall be acknowledged.

BABU A,
SECRETARY TO GEVENMENT

To
Sri Mandapati Bala Kutumba Rao,
Assistant Secretary(Retired),
Agricultural Market Committee, Guntur.
(Through : The Director of Agricultural Marketing, A.P., Guntur)
Copy to:-
The Director of Agricultural Marketing, A.P., Guntur.
The Director General,
Anti-Corruption Bureau,
A.P., Vijayawada.
SF/SC.

// FORWARDED::BY ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI MANDAPATI BALA KUTUMBA RAO, S/0 SRI VENKATA SUBBA RAO, ASSISTANT SECRETARY, AGRICULTURAL MARKET COMMITTEE, GUNTUR.

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That Sri Mandapati Bala Kutumba Rao, S/o Sri Venkata Subba Rao, Assistant Secretary, Agricultural Market Committee, Guntur (here-in-after referred to as Government Servant, in short G.S.). He entered Government Service during the year 1994 as Assistant Market Supervisor (LDC Cadre) in Agricultural Market Committee and worked at AMC, Muvva, Krishna District from 27.01.1994 to 21.08.1995. He worked in the same cadre at AMC, Gudivada from 22.08.1995 to 18.07.2003. Later, he was promoted as Supervisor and worked at AMC, Muvva from 25.07.2003 to 04.04.2008 and at AMC, Bantumilli from 05.04.2008 to 09.05.2013 and at AMC, Vijayawada from 10.05.2013 to 13.01.2016. Later, he was promoted as Assistant Secretary and worked at Agricultural Market Committee, Guntur from 13.01.2016 to 19.07.2017. During his service from 27.01.1994 (date of entry into Government service) to 19.07.2017 (date of searches) committed grave misconduct in as such as.

Charge:

That the Government Servant failed to submit Annual Property Returns for the years 1995 to 2013 and 2015 during his service except for the years 2014 & 2016 and thereby violated Rule 9 (7) of A.P.C.S. (Conduct) Rules, 1964.

Thus, Sri Mandapati Bala Kutumba Rao, S/o Sri Venkata Subba Rao, Asistant Secretary, Agricultural Market Committee, Guntur by the above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and brought down the prestige of the Government and thereby violated / contravened Rule 3(1) & 3 (2) of Rule, 1964 r/w Rule 9 of the A.P. Revised Pension Rules 1980.

BABU A,
SECRETARY TO GEVENMENT

// FORWARDED::BY ORDER //

SECTION OFFICER

(P.T.O...4)

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST SRI MANDAPATI BALA KUTUMBA RAO, S/o SRI VENKATA SUBBA RAO, ASSISTANT SECRETARY, AGRICULTURAL MARKET COMMITTEE, GUNTUR ARE PROPOSED TO BE SUSTAINED.

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Sri Mandapati Bala Kutumba Rao, S/o Sri Venkata Subba Rao, Assistant Secretary, Agricultural Market Committee, Guntur is a native of Motur (V), Gudivada (M), Krishna District. His Date of Birth is 20.06.1961. He was joined in Government service on 27.01.1994 as Assistant Market Supervisor and worked as such at AMC, Muvva, Krishna District from 27.01.1994 to 21.08.1995, at AMC/ Gudivada from 22.08.1995 to 18.07.2003. Later, he was promoted as Supervisor and worked at AMC, Muvva from 25.07.2003 to 04.04.2008 and at AMC, Bantumilli from 05.04.2008 to 09.05.2013 and at AMC, Vijayawada from 10.05.2013 to 13.01.2016. Later, he was promoted to Assistant Secretary and worked at AMC, Guntur from 13.01.2016 to 19.07.2017. During his service from 27.01.1994 (date of entry into Government service) to 19.07.2017 (date of searches) committed grave misconduct in as such as. He was retired on attaining the age of superannuation on 30.06.2021.

Charge:

The Government Servant failed to submit Annual Property Returns for the year endings 1995 to 2013 and 2015 during his service except for the years 2014 & 2016 and thereby violated Rule 9 (7) of A.P.C.S. (Conduct) Rules, 1964.

Facts and Evidence:

On credible information that Sri Mandapati Bala Kutumba Rao, S/o Sri Venkata Subba Rao, Assistant Secretary, Agricultural Market Committee, Guntur acquired and possessed assets disproportionate to the known sources of his legal income and in pursuance to the proceedings issued by the Additional Director (R), Anti Corruption Bureau, A.P., Vijayawada in C.No.1/ACB-AD(R)/RCA/2017, Dated:14.07.2017, a case in Cr. No. 07/RCA-CIU-ACB/2017 U/Sec. 13(2) r/w 13(1) (e) of the Prevention of Corruption Act, 1988 was registered on 19.07.2017 against him and investigated into.

After registration of the case, after obtaining Search Warrants from the Hon'ble Special Judge for SPE & ACB Cases, Vijayawada, the Investigation Officer conducted simultaneous searches on the residential premises of the Government Servant (now Retired) at Flat No.1, 4th Floor, A.B. Towers, H.No.41-1/19-2, Balaji Nagar, C.P. Brown's School Road, Krishnalanka/ Vijayawada and 5 other probable places of his relatives.

During the searches at the above places, several documents pertaining to various properties acquired by the Government Servant (now Retired) during the Check Period were seized. The Documents and the records seized during the searches were submitted to the Hon'ble Special Judge for SPE & ACB Cases, Vijayawada, and taken back for the purpose of investigation.

(Contind..5)

The investigation based on the documents seized, Inventory of the articles made during the course of House Searches, documents secured witnesses examined and the explanation Dated:09.03.2020 furnished by the Government Servant.

During the investigation, (i) the Selection Grade Secretary (FAC), AMC, Gudiwada, Krishna District through his letter in Rc. No. 80/2017, Dated:03.08.2017 informed that the G.S. failed to submit Annual Property Returns for the years 1995 to 2003 (ii) the Selection Grade Secretary, AMC, Movva, Kodali (V), Krishna District through his letter in Rc. No. 51/2017, Dated:26.07.2017 informed that the G.S. failed to submit Annual Property Returns for the years 2004 to 2008, (iii) the Grade-1 Secretary, AMC, Malleswaram (V), Krishna District through his letter in Rc. No. 90/2017, Dated:26.07.2017 informed that the G.S. failed to submit Annual Property Returns for the years 2009 to 2013 and (iv) the Selection Grade Secretary, AMC, Guntur through his Letter No. ADM/VJA/276/2017, Dated:28.07.2017 informed that the G.S. failed to submit Annual Property Returns for the year 2015.

By the above evidence, it is disclosed that the Government Servant failed to submit Annual Property Returns for the year endings 1995 to 2013 and 2015 during his service except for the years 2014 & 2016 and thereby violated Rule 9 (7) of A.P.C.S. (Conduct) Rules, 1964.

Thus, the said Government servant Sri Mandapati Bala Kutumba Rao, S/o Sri Venkata Subba Rao, Assistant Secretary, Agricultural Market Committee, Guntur by his above mentioned acts exhibited lack of devotion to duty, failed to maintain integrity, behaved in a manner unbecoming of a Government Servant and then by violated / contravened Rules 3 (1) & (2) of A.P.C.S. (Conduct) Rules 1964 r/w Rule 9 of the A.P. Revised Pension Rules 1980. Thus, the Government Servant has therefore rendered himself regular Departmental Action for major penalty under Rule 20 of A.P.C.S. (CC&A) Rules, 1991.

BABU A,
SECRETARY TO GEVENMENT

// FORWARDED::BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS ON THE BASIS OF WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI MANDAPATI BALA KUTUMBA RAO, S/o SRI VENKATA SUBBA RAO, ASSISTANT SECRETARY, AGRICULTURAL MARKET COMMITTEE, GUNTUR.

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Sl. No.	Description of the Document	Evidentiary value of the document
1.	**FIR in Cr. No.07/RCA - CIU-ACB/2017 U/s. 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 was registered.**	To reveal about the registration of the case against the Government servant and conducting investigation.
2.	**Letter in Rc.No. 80/2017, Dated:03.08.2017 of the Selection Grade Secretary (FAC), AMC, Gudivada, Krishna Dist.**	To reveal about the facts of not furnishing the APRs by the Government servant for the year endings from 1995 to 2003.
3.	**Letter in Rc.No.51/2017, Dated: 26.07.2017 of the Selection Grade Secretary, AMC, Movva, Kodali (V), Krishna Dist.**	To reveal about the facts of not furnishing the APRs by the Government servant for the year endings from 2004 to 2008.
4.	**Letter in Rc.No.90/2017, Dated:26.07.2017 of the Grade-I Secretary, AMC, Malleswaram(V), Krishna District.**	To reveal about the facts of not furnishing the APRs by the Government servant for the year endings from 2009 to 2013.
5.	**Letter No. ADM/VJA/276/2017, Dated: 28.07.2017 of the Selection Grade Secretary, AMC, Guntur.**	To reveal about the facts of not furnishing the APRs by the Government servant for the year ending 2015.
6.	**Any other document that will be produced time of inquiry.**	To speak in favour of prosecution.

BABU A,
SECRETARY TO GEVENMENT

// FORWARDED::BY ORDER //

K. Sampath Kumar
SECTION OFFICER

(Contind..7)

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ANNEXURE-IV

LIST OF WITNESS BY WHOM BY THE ARTICLE OF CHARGES FRAMED AGAINST SRI MANDAPATI BALA KUTUMBA RAO, S/o SRI VENKATA SUBBA RAO, ASSISTANT SECRETARY, AGRICULTURAL MARKET COMMITTEE, GUNTUR ARE PROPOSED TO BE SUSTAINED.

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Sl. No.	Name and Address of the witness	Evidence to be adduced
1.	The Selection Grade Secretary (FAC), AMC, Gudivada, Krishna District.	To speak to the facts of not furnishing the APRs by the Government servant for the years from 1995 to 2003.
2.	The Selection Grade Secretary, AMC, Movva, Kodali(V), Krishna District.	To speak to the facts of not furnishing the APRs by the Government servant for the years from 2004 to 2008.
3.	The Grade-I Secretary, AMC, Malleswaram (V), Krishna District.	To speak to the facts of not furnishing the APRs by the Government servant for the years from 2009 to 2013.
4.	The Selection Grade Secretary, AMC, Guntur.	To speak to the facts of not furnishing the APRs by the Government servant for the year 2015.
5.	Sri T.Venkateswarlu, Inspector, ACB, CIU, AP.	To speak to the facts of his registration of the case, conducting searches on the residential premises of the Government Servant and other places, seizure of documents relating to the assets / income and expenditure of the Government servant conducting investigation etc. facts.
6.	Sri G.Sridhar, Inspector, ACB, Guntur Range.	To speak to the facts of conducting further investigation, submission of Draft Final Report, against the Government Servant etc. facts.
7.	Sri V.Suresh Babu, Inspector, ACB, Guntur Range.	To speak to the facts of submission of Draft Article of Charges against the Government Servant etc. facts.
8.	Any other witness may be added during the course of inquiry.	To speak in favour of the prosecution.

BABU A,
SECRETARY TO GEVENMENT

// FORWARDED::BY ORDER //

K. Sampath Kumar
SECTION OFFICER